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Katie Hales  
Katie Hales

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/634,085

Attorney Docket: DP-309706

Filing Date: 08/04/2003

Group Art Unit: 3753

Applicant: Robert A. Roth et al.

Examiner: Hepperle, Stephen M.

Title: COMBINATION VALVE FOR FUEL SYSTEM

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PROVISIONAL ELECTION**

Sir:

This is in response to the Office Action mailed June 10, 2005, imposing a Restriction

Requirement between:

Species in Fig. 2;

Species in Fig 4; and

Species in Fig. 5.

Applicants provisionally elect to prosecute Species of Fig. 4. Applicants designate all claims 1-34 as readable on the elected Species in Fig. 4.

Nevertheless, Applicants respectfully traverse the restriction requirement. A review of Figs. 2 and 4 reveals that the embodiment in Fig. 4 includes elements that are the same as in Fig 2, including notably pressure valve 38 and check valve 56. It is noted that Fig. 4 includes

additional features not found in Fig. 2. However, mere presence of additional elements does not constitute distinct species. In any event, a claim readable of Fig. 2 is also readable on Fig. 4. Thus, claims 1-16 are deemed generic with regard to the species in Figs. 2 and 4, so that the species are not distinct and should be examined together.

Further, Applicants traverse the restriction requirement with respect to the Species in Fig. 4 and the Species in Fig. 5. Fig. 5 combines a forward check valve and an overpressure valve, both of which elements are found in Fig. 4, see page 13, lines 1-10. Therefore, Applicants contend that claims 30-34 are readable on the species of Fig. 5, as well as the Species of Fig. 4, and that the two Species are not distinct and should be examined together.

Therefore, it is respectfully requested that the requirement be withdrawn and that all claims be considered in the present application.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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